REMARKS

Initially, Applicant notes that the remarks made by this paper are consistent with the proposals presented during the telephone call of August 8, 2007.

By this paper, claims 1-31 have been amended and no claims have been canceled or added such that claims 1-31 remain pending. Of the remaining claims, 1, 10, 13, and 24 are the only dependent claims at issue.

The Non-Final Office Action, mailed June 27, 2007, considered and rejected claims 1-31. Claims 13-31 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 4, 9, 10, 12, 15, 20-22, 26, and 31 were rejected under 35 U.S.C. 102(b) as being anticipated by Lim et al. (U.S. 2004/0064826), hereinafter Lim. Claims 2, 3, 5-8, 11, 13, 14, 16-19, 23-25, 27-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Atkinson (U.S. 2004/0098667), hereinafter Atkinson. Furthermore, claims 2-9, 11-12, 14-23, and 25-31 were objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

With regard to the 35 U.S.C. § 103(a) rejection of claims 2-3, 5-8, 11, 13-14, 16-19, 23-25, and 27-30, Applicant notes that the invention of Atkinson and the currently claimed invention are and were subject to an obligation of assignment to Applicant at the time of the invention. Under 35 U.S.C. § 103(c), subject matter which qualifies as prior art only under 35 U.S.C. § 102(e) does not preclude patentability under 35 U.S.C. § 103(a) when the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Atkinson was not published until May 20, 2004 and therefore is improper as art under 35 U.S.C. § 102 (a) and (b), leaving only (e) to qualify it as prior art. For at least this reason, Applicant respectfully submits that the rejections to claims 2-3, 5-8, 11, 13-14, 16-19, 23-25, and 27-30 be withdrawn.

With regard to the objection of the dependent claims, it will be noted that the claims have been amended to correct the dependency. As an example, dependent claim 2 now recites, "The method as recited in claim 1 ... " rather than, "A method as recited in claim 1 ..." Applicant respectfully submits that the objections to the dependent claims are now obviated in light of this response.

Independent claims 13 and 24 contained a reference to normalized XML schema types which did not have a proper antecedent basis in the claims. By this paper, the claims have been amended to clarify that the act of writing the at least one schema component results in a normalized XML type, thereby properly introducing the rejected element of the claim. In view of the described amendment, Applicant respectfully submits that the claim is now in proper form for allowance.

As recited in the claims, the present invention is generally directed to embodiments for determining the equivalence of XML schema types. Claim 1, for example, recites a method wherein at least two XML schema types are identifies with each of the schema types having at least one schema component capable of being presented in different equivalent schema types. Each of the identified schema types is then normalized and the resulting normalized schema types are compared for equivalence.

The remaining independent claims are closely related to claim 1. Claim 13 recites a method similar to the method of claim 1 using acts rather than steps, while claims 13 and 24 are directed to computer product corresponding to the methods of claims 1 and 13, respectively.

It will be noted that all of the claims were rejected, at least in part, in view of Lim. Lim teaches an XML schema being input into an object generator, which then normalizes to provide an internally standardized representation of the data model. From this limited disclosure, the office action purports to disclose identifying 2 schema types, a step for normalizing each of the identified schema types, and a step for determining equivalence. Applicant respectfully submits that the cited art fails to teach or suggest at least identifying at least two schema types for which equivalence is to be determined, and a step for determining equivalence. For at least this reason, Lim fails to teach the limitations of the present claims.

The cited paragraph of Lim teaches a single file being input as opposed to the requirement for at least two files as claimed in the current invention. Furthermore, the present embodiment requires that the files for which equivalence is to be determined be identified. No files are identified in Lim because Lim never determines equivalence for any files. The Office Action states that since an equivalent normalized version of the file is returned, that there are two XML schemas types that are identified. However, the present embodiments require that the XML schemas types be identified prior to normalizing, therefore the result of a normalization

process cannot be the identified XML schema type being described. In Lim, an XML schema type is normalized, but the resulting schema type is never determined to be equivalent to any other schema type. The claims clearly require that the equivalence of the at least two identified schema types be determined, rather than simply having two equivalent schema types present as is disclosed in Lim.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.[1]

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 27th day of September, 2007.

Respectfully submitted,

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.